

REMARKS

Claim Status

Claims 5-7, 9-11, 13 and 18-20 are pending in the present application. Applicant's attorney would like to thank the Examiner for the telephonic interview of 14 April 2008; during which the 35 U.S.C. §102 rejection based on Schoelling was discussed.

Claim 13 has been amended to remove the words – trapezoids, pentagons, hexagons, heptagons, octagons, nonagons, decagons, parallelograms, rhombuses, and trapeziums.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §102(e) Over U.S. Pat. No. 2007/0083182 (Schoelling)

Claims 5-7, 9-11, 13 and 18-20 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schoelling. In the Office Action beginning at the bottom of page 2 and continuing to page 3 it is alleged that Schoelling discloses the following, “[W]herein at least a portion of said first surface area comprises discretely-spaced (the longitudinal grooves are separate from each other) individual depressions (140) having a pentagon shape (see cross section of fig. 2 infra, which shows a pentagon-shaped depression)....”

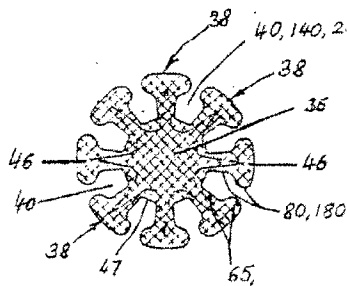
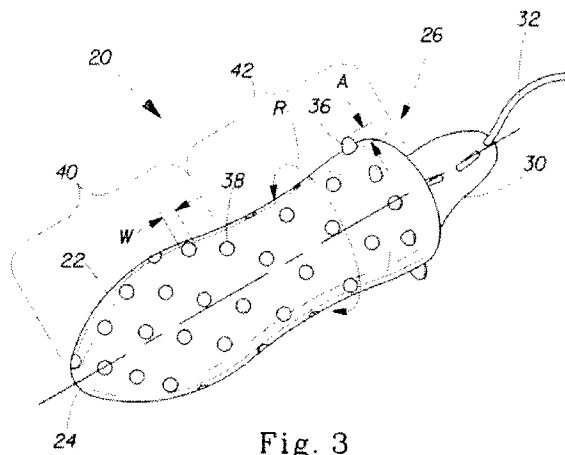


Fig. 2

Applicant respectfully traverses the rejection. In contrast to the cross-sectional groove shapes of Schoelling, claim 13 of the present application claims a tampon comprising an outer surface, wherein a measured portion of said outer surface comprises a first surface area, wherein at least a portion of said first surface area comprises discretely spaced individual depressions having at least one shape, wherein said at least one shape is selected from the group consisting of ovals, circles, cones, squares, alphanumerics, animal shapes, trademarks, logos, foreign languages, kanji, ASCII, and mixtures thereof. As claimed in claim 13 and shown in Fig. 3 (below) the depressions 38 are disposed on the outer surface of the tampon, as compared to the cross-sectional shape of the grooves in Schoelling.



Accordingly, Applicant submits that claims 5-7, 9-11, 13, and 18-20 are novel in view of Schoelling.

Rejection Under 35 U.S.C. §102(f) Over WO 2004/028428 (Schoelling)

Claims 5-7, 9-11, 13 and 18-20 have been rejected under 35 U.S.C. §102(f) as the Office Action states the Applicant did not invent the claimed subject matter. In the Office Action beginning at the bottom of page 2 and continuing to page 3 it is alleged that Schoelling discloses the following, “[W]herein at least a portion of said first surface area comprises discretely-spaced (the longitudinal grooves are separate from each other)

individual depressions (140) having a pentagon shape (see cross section of fig. 2 infra, which shows a pentagon-shaped depression)....”

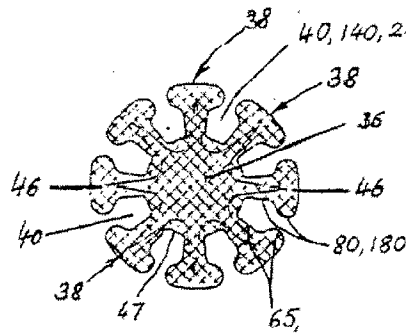


Fig. 2

Applicant respectfully traverses the rejection. In contrast to the cross-sectional groove shapes of Schoelling, claim 13 of the present application claims a tampon comprising an outer surface, wherein a measured portion of said outer surface comprises a first surface area, wherein at least a portion of said first surface area comprises discretely spaced individual depressions having at least one shape, wherein said at least one shape is selected from the group consisting of ovals, circles, cones, squares, alphanumeric, animal shapes, trademarks, logos, foreign languages, kanji, ASCII, and mixtures thereof. As claimed in claim 13 and shown in Fig. 3 (below) the depressions 38 are disposed on the outer surface of the tampon, as compared to the cross-sectional shape of the grooves in Schoelling.

Appl. No. 10/719,786
Docket No. 9431
Amdt. dated 16 April 2008
Reply to Office Action mailed on 6 February 2008
Customer No. 27752

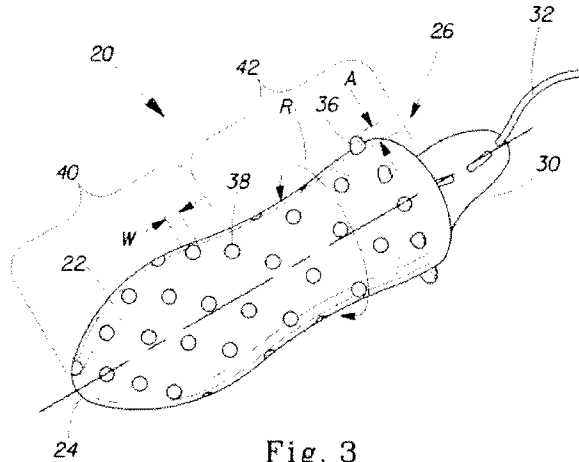


Fig. 3

Accordingly, Applicant submits that claims 5-7, 9-11, 13, and 18-20 are novel in view of Schoelling.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

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Date: 16 April 2008
Customer No. 27752